SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

February 23, 2004

Robert J. Urosevich
President, Diebold Election Systems
Attn: Marvin Singleton
1611 Wilmeth Road
McKinney, Texas 75069

Dear Mr. Urosevich:

On February 16, 2004, you provided our office with a request seeking the conditional certification of Diebold Election Systems' GEMS 1.18.18.201 specifically for Alameda County to count their absentee and provisional ballots.

Based on the information provided by the county and the state's technical consultant, Alameda County will not be able to read approximately half of their absentee and provisional ballots without this change to GEMS due to an error that is present on their printed ballots. The error on the printed ballots resulted when the largest number of unique internal precinct identification numbers was exceeded due to the county repeatedly importing election definition information from their DIMS voter registration system without clearing the data from prior imports. GEMS 1.18.18.201 is a modification to GEMS 1.18.18 to specifically process Alameda County's absentee and provisional ballots by ignoring the Card Identifier field on the printed ballot but reading the Precinct Identifier, which will correctly identify the precinct.

We received a report this morning from the state's technical consultant. His conclusions are as follows: 1) the change is only to be used for absentee/provisional paper ballots and in the event of an actual or perceived problem, the ballots can be hand counted; 2) the mandatory 1% count should pay particular attention to absentee/provisional ballots; 3) the change is to only be used for Alameda County in the March 2004 primary; 4) the change is limited to one executable file, GEMS.exe; 5) the change shall be tested by the county with a full (absentee ballot) Logic and Accuracy test for the actual election; 6) all source code changes presented for review were reasonable, limited to the proposed change, and well defined.

Based the opinion of the state's technical consultant, GEMS 1.18.18.201 is conditionally approved for a one-time use to be used for the March 2, 2004 election in Alameda County only.

Sincerely,

MARK L. KYLE
Undersecretary of State
Chair, Voting Systems and Procedures Panel

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